

## REMARKS/ARGUMENTS

Claims 14-23 and 25-29 remain in the application for further prosecution.

### § 103 Rejections

Acknowledging the receipt of the Applicants' Appeal Brief that was filed on February 23, 2004, the Examiner has withdrawn a final rejection dated August 28, 2003 in view of newly discovered art. Regarding the Applicants' arguments presented in the Appeal Brief, the Examiner's response has been limited to the following sentence: "Applicant's arguments with respect to claims 14-23 and 25-29 have been considered but are moot in view of the new ground(s) of rejection."

Claims 14-23 and 25-29 are now rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,851,148 ("Brune") in view of U.S. Patent Number 5,828,768 ("Eatwell"), in view of U.S. Patent Number 5,133,017 ("Cain"), and in view of JP 10-277213A ("Heiwa"). For the Examiner's convenience, the following documents have been attached as Appendix A: an English abstract of Heiwa provided by the Japanese Patent Office website (two pages) ("JPO Abstract"); a mechanical English translation of the Heiwa claims provided by the Japanese Patent Office website (two pages); a mechanical English translation of the Heiwa specification provided by the Japanese Patent Office website (twenty-two pages); a Japanese copy of Heiwa (thirty-one pages); and an alternative English abstract of Heiwa provided by Thomson Derwent (one page). Specifically, the Office Action alleges the following:

Heiwa teaches that pachinko game machines can have built in noise reduction units to reduce the noise from the game machines. The system facilitates noise reduction in response to predetermined conditions from the exterior of the game machine. Thus, Heiwa provides further evidence that it was known in the art at the time of

the invention to reduce ambient noise in gaming halls though [sic, through] the use of the noise reduction systems.

Heiwa does not support the Examiner's position. In fact, Heiwa only strengthens the Applicants' position. The problem sought to be solved by Heiwa is related to allowing a player to hear messages broadcasted through a gaming establishment's public address system ("p.a. system"). Appendix A, JPO Abstract. For example, Heiwa notes that the goal of the invention is to "make sound easier to hear, when transmission in a game parlor or back ground music is output using conventional transmission equipment," if a specified condition is satisfied. *Id.* Heiwa describes a specified condition being, for example, a worker that switches a microphone 12 to an ON position and, then, raises a volume knob 13 of the microphone 12 to a preset volume level for playing background music (e.g., music for closing time) over the p.a. system. According to Heiwa, the background music "takes precedence over playing sound of pachinko machines." *Id.*

In other words, the system disclosed by Heiwa is a game-establishment sound system that overrides sounds produced by a particular pachinko machine. In contrast, the current invention is directed generally to a gaming-machine sound system that, to an extent, overrides ambient noise sounds (e.g., sounds produced by a p.a. system). Accordingly, Heiwa discloses a system plagued with one of the exact type of problems that the present invention seeks to eliminate.

Based on the allegations of the Office Action, it seems that the use of Heiwa is directed to rebutting the following statement made by the Applicants in the Appeal Brief:

Furthermore, none of the references mentions anything about ambient noise in a gaming establishment, much less that ambient noise in gaming establishment is a problem . . . .

Appeal Brief, p. 7. If the “problem” solved by the present invention had been a player’s ability to hear information transmitted over an establishment’s p.a. system, then the reduction of noise taught by Heiwa might have been relevant. However, the

problem addressed by the Applicants is to provide a gaming machine that enhances its game sounds by minimizing interference from ambient noise produced by the surrounding environment.

*Id.* at pp. 8-9 (emphasis added). The Heiwa system does the opposite of the claimed system.

While the Heiwa system is directed to overriding the sounds from a game machine, the system of the present invention is directed to enhancing the sounds from the game machine. Thus, in contrast to the system of the present invention, the Heiwa system increases ambient noise relative to the gaming sounds of a particular game machine.

In short, the new position for rejecting the claims combines four different references, one of which, Heiwa, teaches the skilled artisan to do exactly the opposite of the present invention. If anything, Heiwa provides further support for the non-obviousness of the present invention by emphasizing one type of problem that the present invention seeks to solve.

The Applicants further note that the proposed combination of references fails for the additional reasons presented in the Appeal Brief, which are incorporated by reference. In fact the inclusion of Heiwa does not even remotely address the majority of the Applicants’ arguments presented in the Appeal brief. For example, reliance on Heiwa has nothing to do with the Applicants’ arguments that “the Examiner has misconstrued Brune and its teachings regarding desktop and laptop computers,” that “the Active Noise Reduction (ANR) of Eatwell focuses the

antinoise signal at the microphone to create a quiet zone at the microphone – not at the user of the personal computer,” that “Cain cannot be combined with Eatwell because there is no suggestion for combining Cain’s headrest system with Eatwell’s personal computer,” and that “the cited references do not teach all of the claim limitations – a gaming machine for broadcasting to the player (i) game sounds coordinated with the displayed representation and (ii) anti-noise sounds so as to enhance the game sounds.”

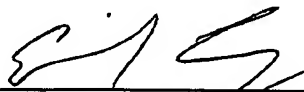
Thus, the Applicants respectfully request the Examiner to withdraw the rejections, and submit that all the pending claims are in condition for allowance at least for the above-stated applicable reasons.

#### **Conclusion**

It is the Applicants’ belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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